

REMARKS

The Examiner has rejected claims 10-26 as being unpatentable over Oles et al. (U.S. Patent No. 4,769,205)("Oles") in view of Davidson et al. (U.S. Patent No. 6,815,028) ("Davidson"). The applicant respectfully traverses this rejection.

The Examiner has stated that Oles teaches a method of in-mold labeling but admitted that Oles does not teach using the label disclosed in the claimed invention. However, the Examiner has described that Davidson teaches the label as claimed. Thus, the Examiner concluded that it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the label taught by Davidson in the method taught by Oles.

At the bottom of page 2 of the Office Action, the Examiner referred to col. 1, lines 40 - 44 as a disclosure of Davidson about the use of his film in an in-mold labeling process. But this is not correct. The disclosure in col. 1 is a description of related art under the heading of "BACKGROUND OF THE INVENTION". This is not the found in the description of the invention of Davidson. The description of the invention of Davidson starts at col. 1, line 60. The whole description of the invention from thereon does not mention the use of Davidson's film for in-mold labeling.

Unfortunately, the applicant inadvertently accepted in the last reply, that Davidson would teach in-mold labeling with his film. But as a matter of fact, Davidson just mentions that in-mold labeling is one prior art method wherein thermoplastics films are used as a label. Davidson does not mention that the film according to his invention shall be used for in-mold labeling. A computer search in Davidson of the term "in-mold" only had one location come up (BACKGROUND OF THE INVENTION at col. 1, lines 40-44).

Consequently all the other previous arguments are even truer and valid that there are different in-mold labeling techniques and that without having in-mold labeling mentioned at all it is not obvious to use this film specifically in a blow mold process as disclosed by Oles.

The disclosure of Oles is so generic. It really does not tell anything but that a blow mold label process is known per se. This raises the question, why would the knowledge of the blow process as such render obvious the use of any label film in this process. There are millions invested in R&D all over the world to design films which do really work in the various in-mold labeling processes, in terms of adhesion, appearance, printability, stiffness, etc. Every in-mold process is run under different conditions in relation to cycle time of the process, temperature, and pressure of the melt, cooling conditions etc. This is a completely unjustified simplification to say if a film is disclosed generically as a label film, or even is disclosed to be an in-mold film it is obvious to use such film in any of the known in-mold processes. Moreover, Oles does not even say that his labels shall be thermoplastic film labels.

It is noted that paper is a substrate used in in-mold processes. Accordingly there mere mentioning of in-mold as a known technology in both documents is not enough reason to combine in the manner the Examiner does. Nothing in Oles indicates that thermoplastic labels shall be used in his process. In addition, there is nothing in Oles which would lead a person of ordinary skill in the art towards the specific films label of Davidson. There is no reason from either Oles or Davidson to choose such porous labels (as claimed by the applicant) in a blow mold process. Again, neither Oles nor Davidson gives a reason for such choice.

Enclosed is an article from an International in-Mold labeling Conference in 2000. These documents demonstrate for one that also paper labels are used in an in-mold process and demonstrate secondly that in-mold includes very different processes. Moreover it can be derived from such documents that the choice of the right material for the respective process is a difficult

problem to solve, such that speeches are held on this issue on an international conference.

Therefore unless there is any explicit disclosure on why to use a certain film for a specific process, the mere knowledge about a film material does not render obvious to choose this material in one of the known in-mold labeling processes. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05581-00131-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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**ENCLOSURE: ARTICLE FROM AN INTERNATIONAL IN-MOLD LABELING
CONFERENCE IN 2000**